DERTA LAN GENTER AN EQUAL OPPORTUNITY EMPLOYER And Charles City Organization Bldg/Rechip Bldg/Rechip United States Patent and Trademark Office P.O. Box 1450 OFFICIAL BUSINESS PENALTY FOR PRIVATE USE, \$300-Alexandria, VA 22313-1450 If Undeliverable Return in Ten Days

ED STATES PATENT AND TRADEMARK OFFICE UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov APPLICATION NO FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/644,904 08/21/2003 Alexei Lebedev 6685 09/18/2007 **EXAMINER** Ann Agishtein 309 Squankum RD HARRISON, CHANTE E Lakewood, NJ 08701 ART UNIT PAPER NUMBER 2628

Please find below and/or attached an Office communication concerning this application or proceeding.

MAIL DATE

09/18/2007

**DELIVERY MODE** 

**PAPER** 

The time period for reply, if any, is set in the attached communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extension of time may be waited under the provision of 30° CR1 13(a), in no event, mover, may a reply be timely field.  If NO period for reply is specified above, the neutrium statutory priority will poly and will expire SIX (6) NONTHS from the mailing date of this communication. Pallet for reply is specified above, the neutrium statutory priority will poly static cause the application to become ABANDOCHE (51 U.S.C. § 133). Any reply received by the Cinica later han interes months after the mailing date of this communication, even if timely filled, may reduce any center optical text and palletiment. Set 97 CFR 1.76(4):  Status  1) Responsive to communication(s) filled on 04 December 2003.  22) This action is FINAL.  2b) This action is finAl.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-15 is/are pending in the application.  4) Claim(s) 1-15 is/are allowed.  5) Claim(s) 1-15 is/are allowed.  6) Claim(s) 1-15 is/are allowed.  6) Claim(s) 1-15 is/are objected to.  8) Claim(s) 3-14 and 9-14 is/are rejected.  7) Claim(s) 3-15 is/are objected to by the Examiner.  10 The drawing(s) filed on islane: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10 The drawing(s) filed on islane: a) accepted or b border and analysis objected to. Set 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. Set 37 CFR 1.121(d).  11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  21) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  22) Acknowledgment is made of a claim fo		Application ito.	upplicatifie)				
Chain Harrison  Case  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  SHOULD BE ASSOCIATED ASSOCIATION OF THE MAILING DATE OF THIS COMMUNICATION.  THE YES MONTH PLE resident under the prosterior of 3 V CRT 1.736(3) in no event, however, may are type the timely find after SIX plotting the resident periods for regid of 3 V CRT 1.736(3) in no event, however, may a regive the timely find after SIX plotted by within the set or extended periods for regid of the sommunication. Failure for gray within the set or extended periods for regid is secured periods for regid with past or cented periods for regid with set set or extended periods for regid with past or cented periods for regid and past of the mailing date of the communication.  Piperiod or center of the past of the past of the past or cented periods for past or cented periods for past or cented periods.  Application Papers  9   The specification is objected to by the Examiner.  10   The drawing(s) filed on is/are allowed.  10   The drawing(s) filed on is/are withdrawn from consideration.  11   Calmin(s) and is/are allowed.  12   Calmin	Office Action Summers	10/644,904	LEBEDEV, ALEXEI				
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WHICHEWER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be a waitable under the promise of 37 CPR 1.15(s). In or event, however, may a reply be timely filed in the communication.  If NO period for reply the missing date of this communication.  If NO period for reply within the soft or extended period for reply will, by statute, cause the application to become ABANDANDE (38 U.S.C. § 133).  Any reply received by the Office later than three morths after the mailing date of this communication, even if timely filed, may reduce any extended period for reply will, by statute, cause the application to become ABANDANDE (38 U.S.C. § 133).  Any reply received by the Office later than three morths after the mailing date of this communication, even if timely filed, may reduce any extended period for reply will, by statute, cause the application to become ABANDANDE (38 U.S.C. § 133).  Any reply received by the Office later than three morths after the mailing date of this communication, even if timely filed, may reduce any extended period for this communication, even if timely filed, may reduce any extended period for this communication.  Status  1)∑ Responsive to communication(s) filed on Q4 December 2003  2a) This action is FINAL.  2b)∑ This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)∑ Claim(s) 1-15 is/are pending in the application.  4)∑ Claim(s) 1-15 is/are allowed.  6)∑ Claim(s) 1-17 and 3-14 is/are rejected.  7)∑ Claim(s) 1-17 and 3-14 is/are rejected.  7)∑ Claim(s) 1-17 and 3-14 is/are rejected.  1)∑ Claim(s) 1-18 is/are allowed.  Application Papers  9)□ The specification is objected to by the Examiner.  10□ The drawing(s) filed on 1 is/are: a)□ accepted or b)□ objected to by the Examiner.  Application Papers  9)□ The specification is objected to by the Examiner. Note the attache	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
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# Notice of References Cited

Application/Control No. 10/644,904	Applicant(s)/Patent Under Reexamination LEBEDEV, ALEXEI		
Examiner	Art Unit		
Chante Harrison	2628	Page 1 of 1	

#### **U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	Α	US-7,212,999	05-2007	Friesen et al.	345/440.2
*	В	US-2002/0130868	09-2002	Smith, Shane	345/440
*	С	US-2002/0054040	05-2002	Moshal et al.	345/440
*	D	US-2004/0179011	09-2004	Marshall, James F.	345/440
*	E	US-7,250,951	07-2007	Hurley et al.	345/440
*	F	US-7,218,325	05-2007	Buck, Brian J.	345/440.2
*	G	US-2005/0075965	04-2005	Cutler, Stephen	705/037
*	Н	US-2003/0055776	03-2003	Samuelson, Ralph	705/37
*	1	US-2003/0009411	01-2003	Ram et al.	705/37
*	J	US-5,297,031	03-1994	Gutterman et al.	705/37
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	L	US-			
•	М	US-			

#### FOREIGN PATENT DOCUMENTS

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#### **NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Application/Control Number: 10/644,904

Art Unit: 2628

## Claim Rejections - 35 USC § 102

**DETAILED ACTION** 

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1-7, 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Richard Friesen et al., US 7,212,999 B2, 5/2007.

As per independent claim 1, Friesen discloses

- (a) a display canvas (Fig. 3A) which displays time on the X axis (Fig. 3B; col.. 9, II. 15-20) and price on the Y axis (Fig. 3A "332")
- (b) Coverage of a variety of scales, both in price and in time direction (Fig. 3C)
- (c) displaying orders and trades as distinguished graphical marks (Fig. 3A "300, 304")
- (d) providing visual attributes to said graphical marks, such as thickness, color or variation in shape of each graphical mark, said graphical mark encoding an attribute, such as order intention, order age, order size, or trade volume (col. 6, II. 26-33)

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As per dependent claim 2, Friesen discloses (a) providing a special graphical mark on said display which said trader can manipulate to adjust intended price along said Y axis and over said X axis to adjust intended time of placement (col. 8, II. 38-44)

(b) providing said graphical display to show said trader's own active and recent orders and trades being displayed alongside other participants' orders in a manner that distinguishes said orders and traders from the rest of the market whereby said trader can make visual comparison (col. 5, II. 49-65; col. 8, II. 1-5, 14-20).

As per dependent claim 3, Friesen discloses said graphical display visualizes order books of multiple markets as vertical bands (col. 6, II. 1-2; Fig. 3A "300, 304"; col. 10, II. 1-4).

As per dependent claim 4, Friesen discloses each said vertical band displays orders originating from just that market (i.e. each band displays an order or stacked order corresponding to the same market commodity) (col. 6, II. 1-2; Fig. 3A "300, 304"; col. 10, II. 1-4).

As per dependent claim 5, Friesen discloses wherein the price of said orders are indicated on said Y coordinate with distinguished graphical mark (Fig. 3A "336"; col. 6, ll. 10-11).

As per dependent claim 6, Friesen discloses wherein said trader has the ability to route

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orders to a specific market center by moving a special graphical mark inside said corresponding vertical band with vertical movement being used to adjust limit price (i.e. stacking the orders) (col. 11, II. 15-20; col. 10,II. 50-55).

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As per dependent claim 7, Friesen discloses said trader can send, cancel and re-send said order to the market by predetermined user action such as the pressing of a keyboard or joystick, or interactively, whenever price, size or another parameter of said order has changed (col. 8, II. 52-64).

As per independent claim 9, Friesen discloses a system as similarly claimed in claim 1, the system having means (Fig. 2). The rationale as applied in the rejection of claim 1 applies herein.

As per dependent claims 10 -14, the rationale as applied in the rejection of claims 2-7 respectively apply herein.

1. Claims 8 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 571-272-7659. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chante Harrison Examiner Art Unit 2628

September 13, 2007

Chante Harrian